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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation,
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
and SETH RAVIN, an individual,

Defendants.

AND ALL RELATED COUNTER CLAIMS.

Case No. 2:10-CV-0106-LRH-PAL

**NON-PARTY CEDARCRESTONE,
INC.'S EMERGENCY MOTION FOR
ONE WEEK EXTENSION TO RESPOND
TO PLAINTIFFS' MOTION TO
MODIFY PROTECTIVE ORDER**

(SECOND REQUEST)

Pursuant to LR 6-1, LR 7-2, and LR 7-5, Non-party CedarCrestone Inc. ("CedarCrestone"), by and through its attorneys of record, Duane Morris LLP, hereby files its Emergency Motion for Extension of Time to Respond to Plaintiffs' Motion to Modify Protective Order, which was filed on May 14, 2012 [Dckt. No. 272]. Plaintiffs and Cedar Crestone previously stipulated to a one week extension, and this is therefore CedarCrestone's second request for an extension.

This is an emergency motion because the current deadline to respond is Friday, June 8, 2012 and Plaintiffs' counsel has only agreed to a one business day extension through Monday June 11, 2012, which is inadequate under the circumstances. Among other reasons, good cause for the extension exists because lead counsel for CedarCrestone is flying out of the country on June 8, 2012, and associate counsel for CedarCrestone is now unexpectedly attending a memorial service on June

8, 2012 out of state and will not return from out of state until late Monday June 11, 2012. Plaintiffs' counsel would only agree to a one business day extension through June 11, 2012 when CedarCrestone's counsel requested a one week extension. When asked again for more time, Plaintiffs' counsel contacted CedarCrestone's counsel June 7, 2012 and again refused to grant more time.

This Motion is made and based on this Motion, the accompanying Memorandum of Points and Authorities, the pleadings and papers in file herein, and the accompanying Declaration.

DATED: June 7, 2012

DUANE MORRIS LLP

By: /s/ Dominica C. Anderson
Dominica C. Anderson (SBN 2988)
Ryan A. Loosvelt (SBN 8550)

Attorneys for CedarCrestone, Inc.

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiffs filed their Motion to Modify Protective Order in order to use discovery provided by Non-party CedarCrestone in reliance on the Stipulated Protective Order in this Rimini Action that specifically precluded use of such discovery outside this action. In early 2011, Plaintiffs' served a highly objectionable subpoena on CedarCrestone. Instead of quashing the subpoena, CedarCrestone in good faith negotiated a production to the subpoena with Oracle over the course of months in direct reliance on Oracle's representations that the information would not be used outside of the Rimini Action pursuant to the Stipulated Protected Order. By Plaintiffs' Motion to Modify, they now seek to do just that in direct contravention to their representations to CedarCrestone, who would otherwise have sought to quash the objectionable discovery. Plaintiff's Motion to Modify is not simply a routine discovery matter but rather raises serious and significant issues and ramifications involving a non-party to this action, CedarCrestone.

After filing and service of Plaintiffs' Motion, they stipulated to a one week extension through June 8, 2012 for CedarCrestone to file its Opposition. Lead counsel for CedarCrestone is scheduled to fly to London, England on June 8, 2012, and associate counsel for CedarCrestone, who was to

1 finalize and coordinate the filing of response papers, is now unexpectedly attending memorial
 2 services in California beginning Friday, June 8, 2012, and will not return until late Monday, June 11,
 3 2012. (*See* Declaration of Dominica C. Anderson). CedarCrestone's counsel contacted Plaintiffs'
 4 counsel, explained the circumstances, and requested a one week extension. (*Id.*). However,
 5 Plaintiffs would only agree to a one business day extension through June 11, 2012. (*Id.*). Though
 6 CedarCrestone again requested more time, Plaintiffs' counsel notified CedarCrestone's counsel on
 7 June 7, 2012 that their clients would not agree to more than the one business day extension. (*Id.*).
 8 CedarCrestone therefore requests a brief extension for one additional week through June 15, 2012 to
 9 respond to Plaintiffs' Motion.

10 There is good cause for the requested extension given: the lack of prejudice to Plaintiffs of a
 11 brief one week extension; the significant ramifications of Plaintiffs' requested modification of the
 12 Protective Order to CedarCrestone; CedarCrestone's status as a non-party located out of state;
 13 Counsel coming up to speed and coordinating with CedarCrestone concerning the history of this
 14 action, the history of negotiations, and the history of the relationship between CedarCrestone and
 15 Oracle as partners and competitors; and, CedarCrestone counsel's recent unavailability.

16 CedarCrestone therefore respectfully requests that this Court grant a one week extension
 17 through **June 15, 2008** for CedarCrestone to respond to Plaintiffs' Motion to Modify Protective
 18 Order.

19 DATED: June 7, 2012

DUANE MORRIS LLP

20 By: /s/ Dominica C. Anderson
 21 Dominica C. Anderson (SBN 2988)
 22 Ryan A. Loosvelt (SBN 8550)

Attorneys for CedarCrestone, Inc.

23
 24 **DECLARATION IN SUPPORT OF EMERGENCY MOTION FOR EXTENSION**

25 I, Dominica C. Anderson, hereby declare:

26 1. I am a partner in the law firm of Duane Morris LLP, and lead attorney of record for
 27 Non-party CedarCrestone, Inc. ("CedarCrestone") who has become embroiled in the above
 28 captioned matter. I am duly licensed to practice law in the State of Nevada. I file this Declaration in

1 support of CedarCrestone's Emergency Motion for Extension. The following is of my own personal
2 knowledge and, if called as a witness in this matter, I could and would competently testify thereto.

3 2. I am scheduled to fly to London, England on June 8, 2012 and my associate, Ryan
4 Loosvelt, is now attending a memorial service in California on June 8, 2012 and will not return until
5 later on June 11, 2012.

6 3. I contacted Plaintiffs' counsel and received a call back on June 6, 2012. I explained
7 the circumstances and requested a one week extension. However, Plaintiffs would only agree to a
8 one business day extension. I again requested more time but Plaintiffs' counsel notified me on June
9 7, 2012 that their clients would not agree to more than the one business day extension.

10 3. Pursuant to LR 7-5(d), I state the following:

11 (i) Nature of Emergency: CedarCrestone's response to Plaintiffs' Motion to
12 Modify Protective Order is currently due June 8, 2012, and counsel for CedarCrestone is no longer
13 available on June 8, 2012. CedarCrestone is located out of state, and its representatives familiar with
14 the history of negotiations, the production, and the relationship between Plaintiffs and
15 CedarCrestone are likewise located out of state. Plaintiffs would only agree to a one business day
16 extension which is inadequate under the circumstances of the unavailability of counsel.
17 CedarCrestone therefore needs more time to coordinate, finalize, and file its Opposition.

18 (ii) Office Addresses and Telephone Numbers of All Affected Parties:

19 CedarCrestone's counsel, Duane Morris LLP, 100 N. City Parkway, Suite 1560, Las Vegas,
20 NV, 89106; Telephone: 702-868-2600.

21 Plaintiffs' lead counsel, Bingham McCutchen LLP, Three Embarcadero Center, San
22 Francisco, CA, 415-393-2300.

23 (iii) Consultation: I spoke with Plaintiffs' counsel on June 6, 2012 and requested a
24 one week extension. Plaintiffs were only agreeable to a one business day extension. I again asked
25 for more time but was informed on June 7, 2012 that Plaintiffs would only agree to the one business
26 day extension. After a sincere effort to confer, Plaintiffs would not agree to an adequate extension.
27 Given the impending deadline for CedarCrestone's response on June 8, 2012, CedarCrestone files
28 this as an emergency motion.

1 I declare under the penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct.

3 Dated: June 7, 2011

/s/Dominica C. Anderson

Dominica C. Anderson

CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2012, I served via CM/ECF a true and correct copy of the foregoing **NON-PARTY CEDARCRESTONE, INC.'S EMERGENCY MOTION FOR ONE WEEK EXTENSION TO RESPOND TO PLAINTIFFS' MOTION TO MODIFY PROTECTIVE ORDER** to all parties and counsel as identified on the CM/ECF-generated Notice of Electronic Filing.

/s/ Jana Dailey

Jana Dailey

An employee of DUANE MORRIS LLP